

FILED

FOR PUBLICATION

FEB 28 2014

UNITED STATES COURT OF APPEALS

**MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

**STATE OF ARIZONA; TERRY L.
GODDARD, Attorney General for the
State of Arizona; ARIZONA
DEPARTMENT OF LAW, Civil Rights
Division,**

Plaintiffs - Appellees,

ANGELA AGUILAR,

Intervenor-Plaintiff -
Appellee,

v.

ASARCO LLC,

Defendant - Appellant.

No. 11-17484

D.C. No. 4:08-cv-00441-MWB

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.